

### REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 1 through 3, 5 through 10, and 12 through 18 are pending, with Claims 1, 8, 16, and 17 being independent.

In the January 10, 2005 Official Action, Claims 1 through 3, 5 through 10, and 12 through 18 were rejected under 35 U.S.C. § 103 over U.S. Patent Appln. Pub. No. 2003/0169349 A1 (Aoi, et al.) in view of U.S. Patent Nos. 6,031,999 (Ogawa) and 5,963,255 (Anderson, et al.), and Official Notice. All rejections are respectfully traversed.

As discussed in the concurrently-filed Information Disclosure Statement, Applicant respectfully submits that Aoi, et al.'s priority application was published on September 24, 1999, as Japanese Laid-Open Patent Application No. 11-261937 ("JP '937"). Applicant also respectfully submits that JP '937 is deficient vis-a-vis the subject claims for the reasons advanced in the May 11, 2005 Amendment with respect to Aoi, et al.

### SUBMISSION OF SWORN TRANSLATION

Furthermore, Applicant has attached hereto a sworn translation of Japanese Patent Application No. 11-104544 filed April 12, 1999, from which application the subject application claims priority under 35 U.S.C. § 119. Applicant respectfully submits that the sworn translation precludes application of JP '937 under 35 U.S.C. §§ 102(a) and 103/102(a). Favorable consideration is earnestly solicited.

STATEMENT UNDER 35 U.S.C. § 103(c)

Still further, Applicant respectfully states that:

Aoi, et al. and the invention of the subject  
application were commonly owned or subject  
to common assignment at the time the  
invention of the subject application was made.

Accordingly, Applicant respectfully submits that Aoi, et al. does not qualify as prior art under 35 U.S.C. § 103. See 35 U.S.C. § 103(c); "Guidelines Setting Forth a Modified Policy Concerning the Evidence of Common Ownership, or an Obligation of Assignment to the Same Person, as Required by 35 U.S.C. 103(c)," 1241 O.G. 96 (Dec. 26, 2000).

CONCLUSION

Applicant submits that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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